

UNITED STATES DEPARTMENT OF AGRICULTURE
ANIMAL AND PLANT HEALTH INSPECTION SERVICE



**OFFICIAL WARNING
VIOLATION OF FEDERAL REGULATIONS**

CASE NO.

TN10119-AC

VIOLATOR

Tim M. Smith

ADDRESS (Street, City, State, Zip Code)

**3656 Breazale Rd.
Lenoir City, TN 37771**

The Department of Agriculture has evidence that on or about May 16, 2009 you or your organization committed the following violation of Federal Regulations:

Entered for the purpose of showing or exhibiting, the horse "Silverado on Parole" at the 25th Annual Smokey Mountain Classic Horse Show which was found sore.

The Horse Protection Act prohibits the following conduct:

15 U.S.C. § 1824(2) – Unlawful acts

"The (A) showing or exhibiting, in any horse show or horse exhibition, of any horse which is sore, (B) entering for the purpose of showing or exhibiting in any horse show or horse exhibition, any horse which is sore, (C) selling, auctioning, or offering for sale, in any horse sale or auction, any horse which is sore, and (D) allowing any activity described in clause (A), (B), or (C) respecting a horse which is sore by the owner of such horse."

9 CFR § 11.3 – Scar rule

"The scar rule applies to all horses born on or after October 1, 1975. Horses subject to this rule that do not meet the...scar rule criteria shall be considered to be "sore" and are subject to all prohibitions of...the Act."

Titles 7 & 9 Code of Federal Regulations were promulgated to help prevent the spread of animal and plant pests and diseases and assure the humane treatment of animals. Since the violations of the regulations can have serious and costly impact detrimental to the public interest, you are warned of this violation. Any further violation of these regulations may result in the assessment of a civil penalty or criminal prosecution. If you have any questions concerning this warning or violation, please contact the listed APHIS official.

APHIS OFFICIAL (Name, Title)

**Sarah L. Conant, Chief, Animal Health and Welfare Enforcement Branch
Investigative and Enforcement Services**

OFFICE ADDRESS:

**4700 River Road, Unit 85
Riverdale, MD 20737**

SIGNATURE

Sarah L. Conant

DATE ISSUED

10/29/2010

TELEPHONE NO.

(301) 734-8684

FOR PERSONAL SERVICE - RECEIVED BY: (Name and signature)

DATE RECEIVED:

FOR CERTIFIED MAIL - RECEIPT NO: